

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x

THE ANNUITY, PENSION WELFARE AND
TRAINING FUNDS OF THE INTERNATIONAL
UNION OF OPERATING ENGINEERS LOCAL
14-14B, AFL-CIO, by its Trustees, EDWIN L.
CHRISTIAN, CHRIS CONFREY, JOHN CRONIN,
DON DeNARDO, RENZO COLLAVINO, DANIEL
NOESGES, DENISE M. RICHARDSON AND
JOHN F. O'HARE,

**ORDER ADOPTING REPORT
AND RECOMMENDATION**
12-CV-902 (SLT) (MDG)

Plaintiffs,

-against-

RICE MOHAWK STRUCTURAL STEEL CORP.,

Defendant.

-----x

TOWNES, United States District Judge:

On February 24, 2012, plaintiffs filed this action for the collection of unpaid and delinquent contributions and attendant damages pursuant to the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. §§ 1132(a)(3) and 1145 as well as an order compelling defendant to cooperate in the performance of an audit for the period of July 1, 2007 through February 29, 2012. Defendant was required to file an answer by April 26, 2012, but failed to do so. On May 3, 2012, plaintiffs therefore moved for a default judgement against defendant. By order dated May 7, 2012, this court referred plaintiffs' motion to the Honorable Marilyn D. Go, United States Magistrate Judge, for a report and recommendation ("R&R").

On March 12, 2012, Judge Go issued an R&R recommending that a default judgment as to liability should be entered against defendant, and that the court issue an order directing defendant to cooperate with plaintiffs' audit request for the period of July 1, 2007 through

February 29, 2012. Judge Go further recommended that judgment be entered against defendant in the amount of \$2,500.40 for attorneys' fees and costs. Finally, Judge Go recommended that following completion of the audit, plaintiffs be permitted to move to reopen this case to seek an amended judgment against defendant for any deficiency and related damages.

Under 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, parties have fourteen days from the service of an R&R to file written objections. See also Fed. R. Civ. P. 6(a) and (d). As of the date of this order, the Court has received no objections. Accordingly, the Court has reviewed the R&R for clear error on the face of the record. Accord Edwards v. Town of Huntington, No. 05 Civ. 339 (NGG) (AKT), 2007 WL 2027913, at *2 (E.D.N.Y. July 11, 2007); McKoy v. Henderson, No. 05 Civ. 1535 (DAB), 2007 WL 678727, at *1 (S.D.N.Y. Mar. 5, 2007). The Court finds no clear error and therefore adopts Judge Go's R&R in its entirety as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

CONCLUSION

For the reasons stated above, Judge Go's Report and Recommendation dated March 12, 2013, is adopted in its entirety.

SO ORDERED.

/s_____

SANDRA L. TOWNES
United States District Judge

Dated: March 30, 2013
Brooklyn, New York